

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,  
et al.,

(Jointly Administered)

Debtors.<sup>1</sup>  
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In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 4780-LTS

PUERTO RICO ELECTRIC POWER  
AUTHORITY (PREPA),

Debtor.  
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SCIEMUS LIMITED, et al.

Adv. Proc. No. 19-369-LTS

Plaintiffs,

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

-v-

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO  
RICO,

as representative of

PUERTO RICO ELECTRIC POWER  
AUTHORITY,

Defendant.

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ORDER REGARDING RENEWED MOTION OF PUERTO RICO POWER  
AUTHORITY FOR UNDISPUTED PAYMENT AND RELEASE OF INSURANCE PROCEEDS

The Court has received and reviewed the *Certificate of No Objection Regarding Renewed Motion of Puerto Rico Power Authority for Undisputed Payment and Release of Insurance Proceeds* (Docket Entry No. 10171 in Case No. 17-3283, the “CNO”<sup>2</sup>) filed by the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”). The CNO requests entry of an order (the “Proposed Order”) granting the *Renewed Motion of Puerto Rico Power Authority for Undisputed Payment and Release of Insurance Proceeds* (Docket Entry No. 9653 in Case No. 17-3283, the “Motion”<sup>3</sup>). The certificates of service filed in connection with the Motion recite that the Motion was served on (i) the “Adversary Service List” attached as Exhibit A to Docket Entry No. 34 in Adv. Proc. No. 19-369, (ii) the “Master Service List” attached as Exhibit A to Docket Entry No. 9692 in Case No. 17-3283, and (iii) the “PREPA Service List” attached as Exhibit A to Docket Entry No. 1852 in Case No. 17-4780.

If approved by the Court, the Proposed Order would purport to limit the rights of “creditor[s] of PREPA [and] other part[ies]” and “PREPA’s existing creditors [and] third parties.” (Proposed Order ¶¶ 3, 4.) While the CNO states that no objections to the Motion have been filed, the certificates of service filed in connection with the Motion do not indicate that the lists of parties that were served with the Motion are coextensive with the broad reach of the relief sought in the Motion.<sup>4</sup> The Motion does not provide a factual or legal basis to limit the rights of persons or entities who were not provided with notice of the Motion.

The Oversight Board must therefore either (i) file a revised proposed order that would limit the scope of paragraphs three and four of the Proposed Order to parties served with

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<sup>2</sup> The CNO was also filed at Docket Entry No. 1867 in Case No 17-4780 and Docket Entry No. 38 in Adv. Proc. No. 19-369.

<sup>3</sup> The Motion was also filed at Docket Entry No. 1843 in Case No. 17-4780 and Docket Entry No. 32 in Adv. Proc. No. 19-369.

<sup>4</sup> For example, the certificates of service do not indicate that the Motion was served on all of PREPA’s known creditors. (Cf. *Notice of Filing of Creditor List for the Puerto Rico Electric Power Authority*, Docket Entry No. 2153 in Case No. 17-3283.)

the Motion, or (ii) be prepared at the omnibus hearing scheduled for January 29, 2020, to identify legal and factual bases that would allow the Court, consistent with due process and applicable law, to grant the full scope of relief sought in paragraphs three and four of the Proposed Order.

SO ORDERED.

Dated: January 21, 2020

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge